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2002P14188US01; 60427-615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Murphy
Serial No.: 10/644,440
Filed: August 20, 2003
Group Art Unit: 3747
Examiner: McMahon, Marguerite J.
Title: INTAKE MODULE ASSEMBLY
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Addt'l copy sent via facsimile to SPE Henry Yuen (571 273 4856)

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STATUS INQUIRY

Dear Sir:

A final rejection for the above referenced patent application was mailed on December 6, 2004. Applicant filed a response on February 4, 2005, which was within two months of the mailing date of the December 6, 2005 Office Action. The advisory action was mailed on April 7, 2005, which was after the three month shortened statutory period, thus extension of time fees were to be calculated from the mailing date of the advisory action. Applicant filed an amendment taking the allowed claims and a petition for a one-month extension of time on April 14, 2005. Copies of the advisory action, amendment, and facsimile confirmation sheets are attached.

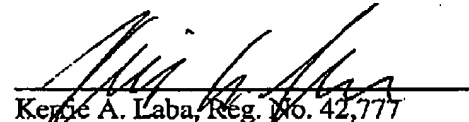
Applicant is anticipating the receipt of a Notice of Allowance and respectfully requests indication of the status of this application.

All claim fees and extension of time fees have already been paid with the submission of the April 14, 2005 amendment, thus applicant believes that no additional fees are due. However, if additional fees are required, the Commissioner is authorized to charge Deposit Account No.

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50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

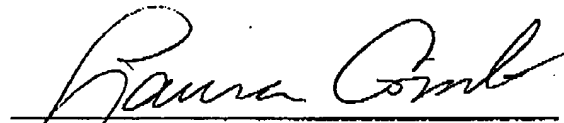
Respectfully submitted,


Kerie A. Laba, Reg. No. 42,777
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: November 2, 2005

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on November 2, 2005. Also, a copy of all submitted documents is being submitted to SPE Henry Yuen at fax. No. 571 273 4856


Laura Combs

11/02/2005 WED 14:26 FAX 12489888363 Carlson, Gaskey & Olds

003/016

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04/14/2005 THU 12:29 FAX 12489888363 Carlson, Gaskey & Olds

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2002P14138US01; 60427-615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Murphy
Serial No.: 10/644,440
Filed: August 20, 2003
Group Art Unit: 3747
Examiner: McMahon, Margaret J.
Title: INTAKE MODULE ASSEMBLY

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

AMENDMENT AND PETITION FOR ONE-MONTH EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Dear Sir:

In response to its Office Action of December 6, 2004 and the Advisory Action of April 7, 2005, please amend the above-identified application as follows:

1

PAGE 1/10 * RCVD AT 4/14/2005 12:28 PM [Eastern Daylight Time] * SVR:USPTO-EFXXRF-6/24 * DNIS:2738300 * CSID:12489888363 * DURATION (mm-ss):03-06

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/644,440 | 08/20/2003 | Kevin A. Murphy | 2002P14188US01:60,427-615 | 7038 |
| 24500 | 7590 | 04/07/2005 | EXAMINER | |
| SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830 | | | MCMAHON, MARGUERITE J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3747 | |

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|---|-----------------------------------|----------------------------------|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 10/644,440 | Applicant(s) MURPHY, KEVIN A. |
| | Examiner Marguerite J. McMahon | Art Unit 3747 |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 February 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____ (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).


10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: The claimed elements are found in the reference. Additional elements that may be part of the reference do not negate the presence of the claimed elements.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.


MARGUERITE MCMAHON
 PRIMARY EXAMINER

U.S. Patent and Trademark Office